

REMARKS

Claims 1-10 are all the claims pending in the present application. Claims 2, 3, 5, 6, and 8 are withdrawn from consideration. The Examiner yet again maintains the previous rejections of the claims. Specifically, claims 1 and 10 remain rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Yoshinobu (JP 2002084724) (relying on EP 1482625 for translation). Claim 4 remains rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yoshinobu in view of Kitazawa (JP 09065617). Finally, claim 7 remains rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yoshinobu in view of Maestre (US Patent No. 5,300,884).

§102(a) Rejections (Yoshinobu) - Claims 1 and 10

With respect to independent claim 1, Applicants essentially previously argued that Yoshinobu does not disclose or suggest at least, “wherein said rotary shaft itself is a magnetic flux interrupting means made of a non-magnetic material for interrupting leakage flux passing onto said rotary shaft as a result of excitation of a rotor coil wound on said rotor core¹,” as recited in amended claim 1. That is, Applicants argued that nowhere does Yoshinobu disclose or suggest that the rotary shaft itself is magnetic flux interrupting means.

In response, the Examiner alleges:

Applicants’ arguments filed on 1/23/2007 have been fully considered and are not persuasive. Applicants’ argues that the limitation, “said rotary shaft itself serves as a magnetic flux interrupting means made of a non-magnetic material,” is not

¹ Claim 1 is amended only for clarification purposes. Applicants submit that this amendment does not require further search and/or consideration.

satisfied in the Yoshinobu, JP 2002084724 (relying on EP 1482625 A1 for translation) reference. Examiner disagrees. The phrase, “serves as a magnetic flux interrupting means made of non-magnetic material” still leaves open the possibility that the shaft may be wholly or partially made of non-magnetic material. The latter case is clearly met in paragraph 25 of Yoshinobu, JP 2002084724 (relying on EP 1482625 A1 for translation). Paragraph 25 is reproduced, in part, with emphasis below for convenience:

1. [0025] The first rotatable shaft 12 and the second rotatable shaft 30 are coupled to each other by a coupling 32 which is filled with or bound by a mass of **nonmagnetic** material 33 such as stainless steel.

Thus, material 33 cooperates with the coupling 32 to **serve as a large magnetic resistance or reluctance portion for decreasing the magnetic flux leakage** from the first rotatable shaft 12 to the second rotatable shaft 30. Applicants further seems to imply that the entire shaft, “itself” is made of magnetic flux interrupting means or comprises a one-piece shaft, however these limitations are not present in the claims. According to § 2111 of the MPEP, claims must be given their broadest reasonable interpretation. A portion of this section is cited below for the practitioner's convenience:

2. During patent examination, the pending claims must be “given *>their<* broadest reasonable interpretation consistent with the specification.” *>In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000).<* Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).*

It is the Examiner's position that the shaft of Yoshinobu, JP 2002084724 (relying on EP 1482625 A1 for translation) comprises elements 12, 30, 32 and 33. Since part of the shaft contains non-magnetic material to decrease flux leakage the **shaft as a whole meets the claimed structure.**

In response, Applicants submit that the Examiner's interpretation of Yoshinobu is **incorrect.** The Examiner continually asserts that the coupling 32 of Yoshinobu is the shaft.

However, the coupling 32 of Yoshinobu is just as its name indicates, a coupling. The coupling couples the first rotatable shaft 12 and the second rotatable shaft 30 in Yoshinobu. Clearly, the coupling 32 is an element that is separate from the particular shafts mentioned in Yoshinobu. Therefore, since the coupling clearly is not a shaft, Yoshinobu does not disclose or suggest at least, “wherein said rotary shaft itself is a magnetic flux interrupting means made of a non-magnetic material for interrupting leakage flux passing onto said rotary shaft as a result of excitation of a rotor coil wound on said rotor core,” (emphasis added) as recited in claim 1.

Further, even if the Examiner gives the claims their broadest interpretation consistent with the specification, there is no basis whatsoever to conclude that the coupling 32 is a shaft. The interpretation of the claims has nothing to do with the Examiner’s understanding of the applied reference. Since the Examiner’s understanding of the applied reference appears to be inaccurate at least based on the reasons set forth above, Applicants submit that Yoshinobu does not anticipate claim 1.

Applicants submit that dependent claim 10 is patentable at least by virtue of its dependency from independent claim 1.

§103(a) Rejections (Yoshinobu / Kitazawa) - Claim 4

Applicants submit that dependent claim 4 is patentable at least by virtue of its dependency from independent claim 1. Kitazawa does not make up for the deficiencies of Yoshinobu.

§103(a) Rejections (Yoshinobu / Maestre) - Claim 7

Applicants submit that claim 7 is patentable at least by virtue of its dependency from independent claim 1. Maestre does not make up for the deficiencies of Yoshinobu.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No.: 10/665,115

Attorney Docket No.: Q77538

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

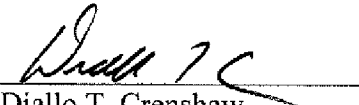
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER


Diallo T. Crenshaw
Registration No. 52,778

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